

# TRANSPORT.

No. 8 of 1981.

## AN ACT to amend the Transport Act 1966-1980.

[Assented to 22 May 1981.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Transport Amendment Act 1981*.

Short title  
and citation.

(2) In this Act the Transport Act 1966-1980 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Transport Act 1966-1981.

Reprinted as  
approved 21  
June 1977  
and  
amended by  
Acts Nos. 53  
of 1977, 9 of  
1979, 93 of  
1979, 47 of  
1980 and 48  
of 1980.

Commence-  
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

Section 4  
amended.

3. Section 4 of the principal Act is amended by inserting after subsection (2) the following subsection—

“ (2a) For the purposes of this Act, a vehicle which draws a semi-trailer or a trailer which is operating is itself operating. ” .

Section 26  
amended.

4. Section 26 of the principal Act is amended—

(a) by deleting “Before granting or refusing a licence for an omnibus, the Commissioner shall take into consideration—” and substituting the following—

“ The Commissioner may, before granting or refusing a licence for an omnibus, take into account any one or more of the following matters— ” ; and

(b) by deleting “generally.” at the end of the section and substituting the following—

“ generally,

but shall not be obliged, in relation to any particular licence application, to take into account all of these matters. ” .

Section 36  
repealed and  
substituted.

5. Section 36 of the principal Act is repealed and the following section is substituted—

“ 36. Before granting or refusing a licence for a commercial goods vehicle, the Commissioner—

(a) may take into account any one or more of the following matters—

(i) the necessity for the service proposed to be provided and the convenience that would be afforded to the public by the provision of the proposed service;

Matters to  
be taken  
into consid-  
eration by  
the Commis-  
sioner before  
grant or  
refusal of  
licence.

- (ii) the existing service for the carriage of goods upon the routes, or within the area, proposed to be served in relation to—
  - (I) its present adequacy and possibilities for improvement to meet all reasonable public demands; and
  - (II) the effect upon the existing service of the service proposed to be provided;
- (iii) the condition of the roads to be included in any proposed route or area;
- (iv) the character, qualifications, and financial stability of the applicant; and
- (v) the interests of persons requiring transport to be provided, and of the community generally,

but shall not be obliged, in relation to any particular licence application, to take into account all of these matters;

and

- (b) shall take into consideration any direction given by the Minister as to the policies of the government in relation to economic development, decentralisation, or other matters. ” .

6. Section 45 of the principal Act is amended—

Section 45  
amended.

- (a) by deleting “Before granting, or refusing, a licence for an aircraft, the Commissioner shall take into consideration—” and substituting the following—

“ The Commissioner may, before granting or refusing a licence for an aircraft, take into account any one or more of the following matters— ” ; and

- (b) by deleting “generally.” at the end of the section and substituting the following—

“ generally,

but shall not be obliged, in relation to any particular licence application, to take into account all of these matters. ” .

Section 62  
amended.

7. Section 62 of the principal Act is amended—

- (a) in subsection (4), by deleting from “shall be divided into two portions” to the end of the subsection and substituting the following—

“ shall be paid to the Main Roads Trust Account kept under section 31 of the Main Roads Act 1930. ” ; and

- (b) by repealing subsection (5).
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